

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSABLE CAPITAL PARTNERS, LLC,
a Delaware limited liability company;

Plaintiff,

vs.

SATI EXPORTS INDIA PRIVATE
LIMITED, a company formed under the
laws of India; SAMSARA SURFACES
LLC, a Georgia limited liability company;
ANIMESH JAISWAL, an individual; and
ALOK JAISWAL, an individual;

Defendants.

8:21CV129

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that after conferring with the parties, the Defendants' Motion to Continue Progression Order Deadlines (Filing No. 32) is granted. The unexpired deadlines in the final progression order (Filing No. 27) are amended as follows:

- 1) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **November 15, 2022 at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is June 27, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by July 11, 2022.

Note: A motion to compel, to quash, or for a disputed protective order shall

not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	July 26, 2022.
For the defendant(s):	August 24, 2022.
Plaintiff(s)' rebuttal:	September 7, 2022

- 4) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	August 24, 2022.
For the defendant(s):	September 23, 2022.
Plaintiff(s)' rebuttal:	October 7, 2022.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 8, 2022.
 - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
 - b. Depositions will be limited by Rule 30(d)(1).

- 6) The deadline for filing motions to dismiss and motions for summary judgment is December 6, 2022.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is December 6, 2022.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

them prior to the first day of trial. Counsel should plan accordingly.

- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 1st day of March, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge